

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

TIMOTHY JAMAL WHITE,
#24B02412
Plaintiff,

v.

WAYNE McCOLLUM DETENTION
CENTER,
Defendant.

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Civil Action No. **3:24-CV-2410-L-BW**

ORDER

On October 1, 2024, the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 4) was entered, recommending that the court, pursuant to the “three-strikes” rule of 28 U.S.C. § 1915(g), summarily **dismiss without prejudice** this action by pro se Plaintiff Timothy Jamal White (“Plaintiff” or “Mr. White”) unless he timely pays the full filing fee for this case. Mr. White has not filed any objections to the Report, and the time to do so has passed.

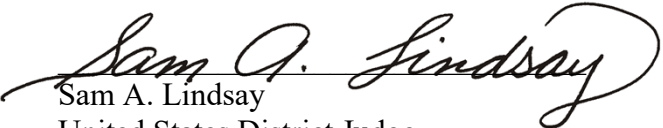
Mr. White filed this action against the Wayne McCollum Detention Center alleging claims of conspiracy, mail fraud, obstruction of justice, and interference with the administration of the courts, premised on the handling of his mail. Report 2 (citing Doc. 3). The Report determined that Mr. White has not paid the full filing fee or filed an application seeking to proceed *in forma pauperis*. Because this action was filed without the filing fee, it is subject to review under the Prison Litigation Reform Act (“PLRA”). The Report further determined that Mr. White has had at least three prisoner civil actions dismissed as frivolous, malicious, or for failure to state a claim. Report 2. Mr. White does not show that he was in “imminent danger of serious physical injury” at the time he filed this suit as required by the Fifth Circuit; thus, he is

barred from proceeding with this action. Report 3 (citing *Banos v. O'Guin*, 144 F.3d 883, 884 (5th Cir. 1998)).

Having considered Plaintiff's pleadings, the file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct and **accepts** them as those of the court. Accordingly, pursuant to 28 U.S.C. § 1915(g), the court **dismisses without prejudice** this action and claims by Mr. White.

The court also prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **accepts and incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). Based on the Report, the court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

It is so ordered this 23rd day of October, 2024.


Sam A. Lindsay
United States District Judge